

ORDINANCE NO. 14-045-01**AN ORDINANCE TO AMEND ARTICLE 3.08 OF THE CITY OF LEANDER, TEXAS CODE OF ORDINANCES, THE REGULATION OF SIGNS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

Whereas, the regulation of signs within the City of Leander (the “City”) is necessary for pedestrian and traffic safety, the public health and safety, the preservation of property values, and the avoidance of unnecessary clutter;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS:

That Chapter 3, Article 3.08, Code of Ordinances, City of Leander, Texas, is hereby replaced in its entirety, and shall read as follows:

CHAPTER 3, ARTICLE 3.08: SIGNS

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SECTION 3.08.001. FIRST AMENDMENT RIGHTS.

This Ordinance shall not be construed, applied, interpreted nor enforced in a manner to violate the first amendment rights of any person, and the Building Official shall seek the advice and recommendation of the City Attorney prior to taking any action to enforce any provision of this Ordinance with respect to any non-commercial sign or speech by any person.

SECTION 3.08.002. JURISDICTION.

In accordance with the Texas Local Government Code, the provisions of this article shall apply to all signs in the city limits and to the areas in the city's extraterritorial jurisdiction (ETJ).

SECTION 3.08.003. AUTHORITY.

The provisions of this Chapter are adopted pursuant to Texas Local Government Code Chapter 216 and the City Charter.

SECTION 3.08.004. PURPOSE.

The purpose of this Code is to promote the public health, safety and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements. It is further determined that the provisions of this Code cannot achieve the end result desired unless the community voluntarily cooperates in upholding these provisions.

With these concepts in mind, this Code is adopted for the following purposes: To preserve and protect the public health, safety and welfare of the citizens of the City of Leander; to balance public and private objectives by allowing adequate signage for business identification; to maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape which affects the image of the City of Leander; and to enable the fair and consistent enforcement of these sign regulations.

SECTION 3.08.005. APPLICABILITY – EFFECT.

- A. A sign may be erected, constructed, placed, painted, created, enlarged, moved or converted within the City of Leander and its extraterritorial jurisdiction only in compliance with the standards, procedures, exemptions, and other requirements of this Code.
- B. The effect of this Code as more specifically set forth herein, is:
- (1) Provide functional flexibility, encourage variety, and create an incentive to relate signing to basic principles of good design;
 - (2) Provide an improved visual environment for the citizens of, and visitors to, the City of Leander;
 - (3) To establish a permit system to allow a variety of types of signs in commercial and industrial zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of this Code;
 - (4) To allow certain signs that are small, unobtrusive, and incidental to the principal use of the respective Lots on which they are located, subject to the substantive requirements of this Chapter, but without requirements for permits;
 - (5) To provide for Temporary Signs without Commercial Messages in limited circumstances; and,
 - (6) Provide cost recovery measures supporting the administration and enforcement of this Code.

SECTION 3.08.006. DEFINITIONS AND INTERPRETATION.

As used in this Ordinance, the following terms shall have the meaning indicated below unless the context clearly indicates otherwise. All other words and phrases shall be given their common, ordinary meaning, unless the context clearly requires otherwise:

“A” Frame Sign is a sandwich board sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top and each angular face held at an opposite distance by a supporting member.

Abandoned Sign is a sign which for a period of at least ninety (90) consecutive days advertises or identifies a business establishment that has been closed or abandoned.

Actively being built means the project or subdivision has continuous construction efforts underway to complete the project.

Animated Sign is a sign which has any visible moving part, flashing or oscillating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, scroll, rotate revolve, change, flash, osculate or visibly alters in appearance of the sign. This shall specifically exclude barber poles and time/temperature signs.

Announcement Sign means a residential sign located on a fence or window that makes an announcement, such as, no trespassing, beware of dog, or children/animals inside for police or fire.

Architectural Feature is any element or details of a building or structure that defines its style, such as, but not limited to, windows, doors, and building material coursing patterns.

Area Identification Sign/Entry Feature Sign is any sign or entry feature identifying the name of a subdivision, district or development with multiple buildings grouped together with a distinct identity.

Armature Sign is a freestanding sign that hangs, suspended by chains, hooks, or similar means, below an arm extending horizontally from a single vertical support affixed to the ground.

Arterial Streets are designed to carry high volumes of through traffic. Access is usually limited to intersections and major driveways. Arterial streets serve as a link between major activity centers within the urban area. These roadways are also identified as Arterials on the Transportation Plan.

Awning means a shelter constructed of materials on a supporting framework that projects from and is supported by the exterior wall of a building.

Awning/Canopy Sign is any sign that is painted on or applied directly to, and contained entirely within the face, valance, or side panels of an awning/canopy. When the shelter is made from rigid materials, a sign may be mounted to the underside or top.

Bandit Signs are temporary signs, usually of cardboard or foam board and mounted on angle iron or a wooden stake.

Banner means a sign made of fabric or any non-rigid material.

Base (of a sign) is the portion of a sign that is in contact with the finished grade, and acts as the sign structure.

Billboard means a sign advertising products not made, sold, used or served on the premises upon which the sign is located.

Building Official includes his/her designee.

Building Scrim Sign is a large non-rigid banner of a durable, mesh, fabric material that allows air and light to pass through, used to wrap a building or portion of a building with items of information.

Building Sign is any sign attached to any portion of a building, including accessory buildings and structures, on windows, and attached or placed on awnings/canopies.

Cabinet Sign is a sign, which is typically internally lit and contains all of its components and items of information within a single enclosure and whose perimeter is not shaped to the content of the sign and where the sign face is differentiated from the structure against or within which a sign face is placed. Logos, pan-faced signs, raceways, and taglines shall be exempt from this definition.

Canopy See awning/canopy sign.

Cap (of a sign) is the uppermost surface or part of a sign that is usually added as a decorative feature.

Changeable Message includes items of information that may be changed or rearranged through manual, mechanical or electrical means, including time and temperature messages and EMC's.

Channel Letters are individually constructed and individually illuminated letters, graphics, or graphic elements.

City means the City of Leander, a municipal corporation in the State of Texas.

Civic Sign is a temporary stake sign that publicizes times or locations of meetings or special events of homeowners associations, religious organizations or groups, or civic groups. This definition excludes directional signs for regularly scheduled religious events. A civic sign may also publicize times or locations of special events for schools and athletic team registrations.

Clearance (of a sign) means the smallest vertical distance between the grade of the adjacent street curb and the lowest point of any sign, including framework and embellishments, but excluding sign supports.

Collector Streets are streets with the primary function of a collector street is to intercept traffic from intersecting local streets and expedite the movement of this traffic in the most direct route to an arterial street or other collector street. These roadways are also identified as Collectors on the Transportation Plan.

Contractor Sign is a sign which indicates the name of the contractor working on a project.

Construction Sign is a sign which indicates the names of architects, engineers, landscape architects, contractors, and/or sponsors, etc. having a role or interest with respect to the structure or project.

Directional Sign is any sign relating solely to internal pedestrian and vehicular traffic circulation within a complex or project without any form of advertising.

Director of Planning includes his/her designee.

Electrical Sign means a sign containing electrical wiring, connections, or fixtures, or utilizing electric current, but not including a sign illuminated by an exterior light source.

Electronic Messaging Center (EMC) is any sign using an array of lights which can be programmed to provide items of information as a changeable message displayed through electronic means.

External Illumination (of a Sign) is light shining on the outer surface of a sign. Includes backlit signs when 1 shielding is provided.

Facade means all building wall elevations, including any vertical extension of the building wall (parapet), but not including any part of the building roof.

Face Change means the replacing or revision of the logos, wording, etc. included on the front of the sign by means of replacing the physical material or by repainting or similar process. This includes change of business. This does not include changeable copy signs.

Festoon is fabric suspended, draped, and bound at intervals and suspended between two locations or points.

Fine Art means sculpture, fountain, or similar object, and containing no reference to or image of a business or its logo, is not considered as a sign.

Finished Grade is the completed elevations of lawns, walks, roads and other surfaces brought to a grade as designed.

Flag means fabric containing distinctive colors and patterns that represent an official symbol of a nation, state, school, religious group, or other type of public institution.

Flashing means to light suddenly or intermittently, including rotating, pulsating or a light source that changes or alternates the color of the light in sequence.

Freestanding Sign is a sign that is not attached to a building but is permanently attached to the ground.

Frontage means a boundary line separating public right-of-way from the lot.

Future Development Sign (Temporary construction, real estate, or development sign) is a freestanding or wall sign advertising the construction, remodeling, development, sale, or lease of a building or the land on which the sign is located.

Government Sign is a sign installed, maintained, or used (i) by the city, county, State of Texas or the federal government, required or specifically authorized for the public purpose pursuant to regulations promulgated by the state or federal government, (ii) a traffic-related sign installed by any government agency within public right-of-way, or (iii) convey information to the public regarding city, state, or federal government activities and events.

Hanging Sign is any sign suspended from an awning, canopy, eave or overhang, typically by a chain, hooks, brackets or similar devices intended to affix hanging signs to a building.

Holiday Decorations are signs or displays including lighting which are a nonpermanent installation celebrating national, state, and local holidays or holiday seasons.

Height (of a sign) means the vertical distance between the grade of the adjacent street curb, measured to the highest point of the sign.

Home Improvement Sign is a temporary stake sign that displays the name of a roofing, fence, pool, paint, landscape, or other home improvement contractor.

Human Sign means a sign held or attached to a human employed to advertise or otherwise drawing attention to an individual, business, commodity, service, activity, or product. A person dressed in costume for the purpose of advertising or otherwise drawing attention to an individual, business, commodity, service, activity, or product shall also be construed as a human sign.

Incidental Sign is a small sign, emblem, or decal informing the public of goods, facilities, or services available on the premises (e.g. a credit card sign or a sign indicating hours of business).

Inflatable Sign is any hollow sign expanded or enlarged by the use of gas or air.

Information Signs include bulletin boards, changeable copy directories, signs relating solely to publicly owned institutions (city, county, state, school district), or non-profit organizations (churches, homeowners associations) intended for use by the institution on which the sign is located.

Illuminated Sign means any sign which has characters, letters, figures, designs or outline illuminate directly or indirectly by electric lights, luminous tubes or other means.

Light Pole-Mounted Banner is a banner mounted on a vertical light pole.

Local Streets are streets with the primary function of a local street is to serve abutting land use and traffic within a neighborhood or limited residential district. A local street is not generally continuous through several districts.

Logo is an emblem, letter, character, pictograph, trademark, color scheme, or symbol that is registered, trademarked, or used in media to represent any firm, organization, entity, product, or service.

Lot is a single, legally created parcel of land intended as a unit for transfer of ownership or for development and having frontage on a dedicated street.

Low-profile Sign is a freestanding sign, with a base measuring one hundred (100%) percent of the width of the sign..

Mansard Roof is the style of roof where there are two (slopes) to the roof structure.

Marquee means a permanent roof-like structure or awning or rigid materials attached from, supported by, and extending from the facade of a building, including a false "mansard roof".

Memorial Signs or tablets include freestanding historical markers in accordance with state historical standards, and/or cornerstones with names and dates of construction of a building when cut into a building surface or inlaid upon it to become part of the building.

Menu Boards are freestanding or wall signs used for the purpose of informing patrons of food which may be purchased on the premises.

Model Homes Sign is a temporary real estate sign placed in front of a group of model homes that is removed from the premises upon sale of the last model.

Monument sign is any freestanding sign where the entire bottom of which is attached directly to the ground or is supported by a sign structure that is a base whose width measures at least seventy-five (75%) of the width of the sign that is placed or anchored in the ground.

Multi-tenant Center Sign means a sign advertising two or more retail, wholesale, business, industrial, or professional uses (not necessarily under single ownership) utilizing common facilities including off-street parking, access, or landscaping.

Multi-tenant Center Identification Sign means the portion of the sign that identifies the general name of the center or development as a whole. The sign shall include only the name and address of the development.

Mural means a work of art applied directly to a wall, ceiling, or floor surface where forms and/or figures are the dominant elements and not intended for commercial advertising.

Nameplate is a non-electrical, on-premise sign which communicates only the name of the occupant of the address of the premises.

Neighborhood Information Kiosks are signs utilized and maintained by a Homeowners Association or a neighborhood association with a legal entity for the purpose of conveying information related to association activities to the association members.

Nonconforming Sign means a sign that was lawfully installed at its current location but that does not comply with this Code.

Occupant Frontage is the length of a wall of a building occupied by a single business or by multiple businesses with a single entrance, which faces either a dedicated public street or internally to a parking or driveway of a multi-tenant center.

Off-premise sign is a sign referring to goods, products or services provided at a location other than that which the sign occupies.

On-premise Sign means a sign identifying or advertising the business, person, activity, goods, products, or services located on the site where the sign is installed, or that directs persons to a location on that site.

On-Site "Burma Shave" Signs are intended to provide information and direction to potential homebuyers within a recorded subdivision in which new homes are actively being built.

Parapet means the extension of a false front or wall above a roof line.

Point-of-Sale Sign is a sign advertising a retail item accompanying its display (e.g., an advertisement on a product dispenser).

Political Signs are any device announcing or promoting the candidacy of one or more persons for elective public office, or concerning any political issue appearing or which is to appear on the ballot in any public election.

Portable signs are signs not permanently affixed to a building, structure, or the ground; designed or installed in a manner allowing the sign to be moved or relocated without any structural or support changes. This definition includes a "A" and "T" frame signs.

Projecting Sign means a sign attached to and projecting out from a building face or wall more than twelve (12) inches, generally at a right angle.

Pylon signs are freestanding signs that are supported by a structure extending from and permanently attached to the ground by a foundation or footing, with a clearance between the ground and the sign face.

Real Estate Signs are signs posted by an owner or owner's agent to indicate sale or lease of the property.

Roof Sign means any sign installed over or on the roof of a building.

Scoreboards are signs erected at an athletic field or stadium and which are generally used to maintain the score or time expired in an event at the field or stadium. This definition shall also include signs mounted or applied to the outfield wall within a baseball field.

Searchlight means a searchlight used to direct beams of light upward for advertising purposes.

Seasonal Decorations means special lighting, banners or other forms of physical art celebrating seasonal events or holidays.

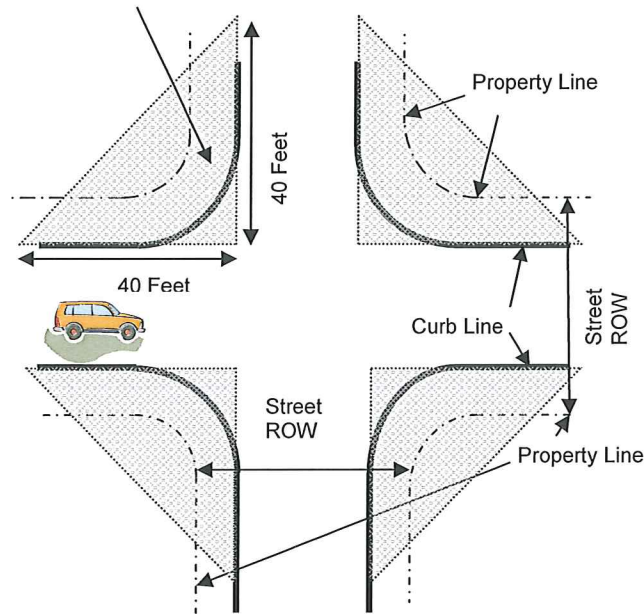
Security Sign is a sign which identifies emergency telephone numbers, hours, and security information.

Sign means any surface, display, design, or device visible from public right-of-way on which letters, illustrations, designs, figures, or symbols are painted, printed, stamped, raised, projected, outlined or attached in any manner whatsoever. The term "sign" includes the supporting structure of the sign.

Sign Area includes all lettering, wording, logos, design, symbols, framing, roofing, and cabinets, or modules, calculated according to the provisions established in this Code.

Sight Triangle means the area within a right triangle formed by extending the curb lines of intersecting streets from the point of intersection for a distance of forty-five (45) feet to the hypotenuse, or for streets intersecting a driveway or alley for a distance of twenty (20) feet to the hypotenuse.

Sight Line Visibility Triangle: Area (shaded) in which no visual obstruction is permitted between three feet and eight feet above curb elevation.



Stake Sign means a temporary sign that utilizes the support structure to anchor the sign to the ground by inserting the support structure into the ground.

Subdivision means, for purposes of this chapter, the subdivision in its entirety, not a phase, section, village, unit, or product line.

Subdivision Development Identification Signs are defined as 1) Primary Entrance Signs, 2) Secondary Entrance Signs, and 3) Tertiary Entrance Signs, and are used to define various entries of the subdivision.

Swooper Flag is a temporary, freestanding, vertical sign consisting of a loose poly-knit sign face that flutters in the wind from a harpoon-style pole or staff driven into the ground for support.

"T" Frame Sign is a sign that is constructed in such a manner as to form an inverted "T."

Temporary Wall Sign is considered a banner sign.

Traffic control signs are small signs on private property indicating interior circulation of parking areas on site, warn of obstacles or overhead clearance, or designate permissible parking.

Vehicle Sign is a sign that is attached to or placed in or on a truck, bus, car, trailer, boat, recreations vehicle, or any other vehicle. Vehicle signs shall exclude bumper stickers, license plates, and inspection stickers.

Vending Machine Sign is a sign that is attached to a vending machine or gasoline pump and which generally advertises the products dispensed from the vending machine or gasoline pump.

Wall Sign is a sign attached to the facade of a building or a canopy. Wall signs include signs on or affixed to walls, windows, awnings, or other parts of the exterior of a building or canopy.

Window or door surface signs are signs visible from the public street or sidewalk and are installed or applied on or in a window or door or a sign that is located within three (3) feet of a window.

SECTION 3.08.007. LAND USE CATEGORIES.

For purposes of this Code, all territory within the City's jurisdiction is classified into a Land Use (L.U.) Category. Those properties within the city limits are classified based upon their zoning district classification. Those properties located within the extraterritorial jurisdiction shall be classified by the Building Official or the Director of Planning based upon the existing or proposed use and which zoning district would be the most restrictive zoning district in which that use would be permitted. Classification into a category is for the purposes of signage only and in no manner establishes vested use rights towards the assignment of zoning should the property be annexed into the city limits of Leander.

- A. *Single-Family Residential L.U. Category* includes single-family districts as defined by the Composite Zoning Ordinance or equivalent use in the City's Extraterritorial Jurisdiction ("ETJ"). Non-residential uses permitted in the identified residential districts shall be included in the Non-Residential L.U. Category below.
- B. *Multi-family Residential L.U. Category* includes any zoning districts defined by the Composite Zoning Ordinance that permit two or more dwellings on a single lot or equivalent use in the ETJ. Non-residential uses permitted in the identified residential districts shall be included in the Non-Residential L.U. Category below.
- C. *Non-Residential L.U. Category* includes commercial and industrial districts as defined by the Composite Zoning Ordinance or equivalent use in the ETJ and permitted non-residential uses in zoning districts included in the Residential and Multi-family Residential L.U. Categories.

SECTION 3.08.008. SIGN STANDARD CRITERIA BY ROAD TYPES

- A. Standards for signs shall be determined either by:
 - (1) The type of road adjacent to the lot or multi-tenant center; or
 - (2) The type of road which an occupant frontage faces.
- B. Road Types. All roads fall within one of the following road types: Toll, Arterial, or Collector/Local Roads. A roadway type may change over time. A roadway may have more than one type along its length.
 - (1) Toll Road. For the purposes of this Chapter, Toll Roads shall include only the following road: 183A Toll

- (2) Arterial Roads. For the purposes of this Chapter, Arterial Roads shall include arterials as identified on the Transportation Plan.
- (3) Collector/Local Roads. For the purposes of this Chapter, Collector/Arterial Roads shall include collectors as identified on the Transportation Plan and any road not classified as a Toll Road or Arterial on the Transportation Plan.

SECTION 3.08.009. EXEMPT SIGNS.

The following signs shall be exempt from obtaining a sign permit provided that standards of this Code shall be met:

- A. Any Public Notice, or warning required by a valid and applicable federal, state, or local law, regulation or ordinance;
- B. Any sign inside a building, not attached to a window or door, that is not legible from a distance of more than three feet beyond the lot line of the lot or parcel on which such sign is located;
- C. Works of art that do not include a commercial message;
- D. Holiday lights and decorations with no commercial message;
- E. Government signs erected by the city, county, state, or federal government in furtherance of their governmental responsibility;
- F. Memorial signs or Tablets and building markers displayed on public or private buildings and Tablets or headstones in cemeteries;
- G. Signs prepared by or for the local, state or federal government marking sites or buildings of historical significance;
- H. Address and postbox numerals conforming to incidental sign regulations;
- I. Onsite real estate "for sale" signs;
- J. Political signs on private property, including private passenger vehicle;
 - (1) A temporary sign that refers or relates to issues, candidates or political measures that constitute the subject of an election.
 - (a) *Allowed uses:* Reference to issues, candidates or political measures involved in a political election.
 - (b) *Permit:* Not required.
 - (c) *Maximum height:*
 - (1) On private real property: Eight feet.
 - (2) On public property: Three feet. (See Placement Exception)
 - (d) *Maximum area:*
 - (1) On private property: Thirty-two square feet.
 - (2) On public property: Eight square feet. (See Placement Exception)
 - (e) *Placement:*
 - (1) Political signs may be placed on any private property, but only with the written consent of the owner or occupant of the property upon which the signs are to be placed.
 - (2) Except as specified herein, placement of political signs on public property or right-of-way is strictly prohibited. *Exception:* On Election Day political signs may be placed on public property or right-of-way under the following conditions, signs must be outside the one hundred foot marker

- of the polling place but can be no greater distance from the polling place than the abutting public right-a-way to the polling location.
- (3) No political sign legally displayed on public property may be attached to other signs of any type.
- (4) No political sign may be placed in any location or manner that may constitute or create a traffic hazard.
- (5) Political signs may be placed on fences located entirely on private property when such signs are in compliance with all other requirements of this section, including the maximum height and area specified in subsections (c) and (d) of this section.
- (f) *Maximum number*: Not applicable.
- (g) *Duration*: On public property, political signs:
 - (1) May not be displayed more than 12 hours prior to the opening of a polling location on Election Day;
 - (2) Must be removed within one business days after Election Day.
- (h) *Feature*: political signs:
 - (1) Must be in good repair and not torn or damaged;
 - (2) May not have lighting, sound, or distracting to drivers.
- (i) All political signs must be in accordance with all applicable county, state or federal regulations.
- K. Use of Temporary Decorations as Signs otherwise referred to as decorative festoon, meaning tinsel, strings of ribbon, small commercial flags, or streamers, may be used as temporary enhancement of signage in a multi-family project providing these devices have no glare, no moving parts, are maintained, and comply with all codes and policy guidelines governing their safe use. No lettering is permitted on these items. Use of these decorations shall be limited to a maximum period of up to sixty (60) days per calendar year;
- L. Signs for vendors that are exempt under the City's Solicitor/Temporary Vendors Ordinance;
- M. Contractor Signs;
- N. Garage sale signs; and
- O. Building addresses, except as required on freestanding signs.

SECTION 3.08.010. PROHIBITED SIGNS AND ACTIVITIES.

Any sign not specifically authorized by this Code is prohibited unless required by law. The following signs and conditions are prohibited unless allowed as part of a special events permit:

- A. Signs shall have no: flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; or, fluttering, undulating, swinging, or otherwise moving parts. For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code;
- B. No billboards shall be permitted. No other off-premise signs shall be permitted, except as specifically authorized in this Code;
- C. Freestanding cabinet signs that do not have a surround;
- D. Abandoned signs, with the exception of free standing signs where items of information shall be removed and the sign display area left so that it does not indicate the former use;
- E. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, parkway, avenue, road, sidewalk, or other right-of-way, except as provided in this Chapter. The Permits Division personnel may cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property;
- F. Any sign attached to any public utility pole or structure, street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, or other location on public property, except as provided herein;
- G. Any sign placed, which by reason of its location, will obstruct the view of any authorized traffic sign, signal or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;
- H. Any sign which constitutes a traffic hazard including but not limited to signs containing words such as "stop," "look," "danger,"
- I. Any sign placed within a sight triangle;
- J. Animated signs;
- K. Swooper flags;
- L. Bandit Signs;
- M. Human Signs;
- N. Pole Signs;
- O. Inflatable Signs;
- P. Festoons, tethered balloons, pennants, searchlights, streamers, and any clearly similar attention getting features and devices;
- Q. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the International Building Code, or by Fire Department Regulations;
- R. Any sign which emits audible sound, odor, smoke, steam, laser or hologram lights, or other visible matter, including any sign that employs any stereopticon, or motion picture projection;
- S. Any sign placed, mounted, attached or painted on a trailer, boat, or motor vehicle when parked, stored, or displayed conspicuously on the public right-of-way or private premises in a manner intended to attract the attention of the public. This provision expressly excludes business signs that are permanently painted on, or magnetically attached to motor vehicles or rolling stock that are regularly and consistently used to conduct normal business activities;
- T. Roof signs, excluding mansard roofs when constructed in compliance with this Code;
- U. Banners and Temporary Signs except as provided herein; and,
- V. Signs or banners erected or affixed within or projecting over any public right-of-way except as provided herein.

SECTION 3.08.011. GENERAL PROVISIONS.

A. Sign Measurement Criteria.

(1) Sign Area Measurement. Sign area for all sign types is measured as follows:

- a. Sign copy mounted, affixed, or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background.



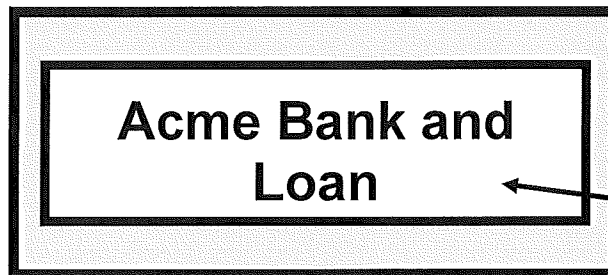
◁ Calculate the area inside defined border or inside contrasting color area

- b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign.



◁ Calculate the area around copy elements only

- c. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to lit canopy fascia signs; cabinet signs; and/or interior lit awnings.

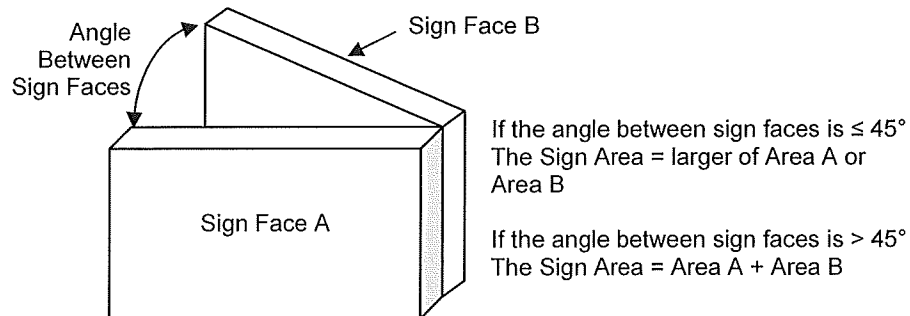


◁ Calculate the area of the entire illuminated surface

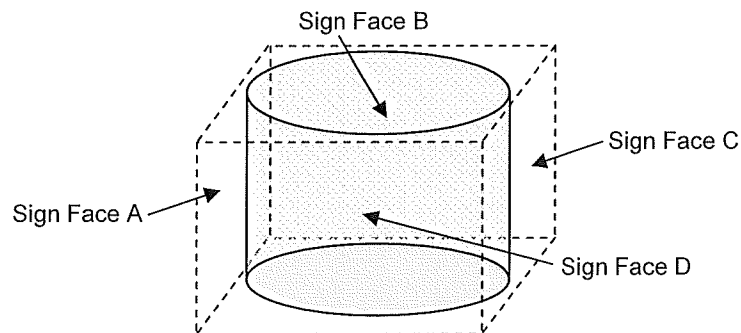
← Illuminated surface

- d. Multi-face signs are measured as follows:
 - i. Two (2) face signs: If the interior angle between the two (2) sign faces is forty-five degrees (45°) or less, the sign area is of one (1) sign face only. If the angle between the two (2) sign faces is greater than forty-five

degrees (45°), the sign area is the sum of the areas of the two (2) sign faces.



- ii. Three (3) or four (4) face signs: The sign area is fifty percent (50%) of the sum of the areas of all sign faces.
- e. Spherical, free-form, sculptural, or other non-planar sign area is fifty percent (50%) of the sum of the areas using only the four (4) vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. Signs with greater than four (4) faces are prohibited.



(2) **Sign Height Measurement.** Sign height is measured as follows:

- a. **Freestanding Signs:** The height of a freestanding sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.
- b. **Building Mounted Signs:** The height of wall, fascia, mansard, parapet or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure.

B. Sign Illumination. All permanent signs may be non-illuminated, illuminated by internal, internal indirect (halo), or lit by external indirect illumination, unless otherwise specified. Signs shall have no: flashing copy or lights; revolving beacon lights; chasing, blinking, or stroboscopic lights; fluttering, undulating, swinging, or

otherwise moving parts. For purposes of this Code an electronically controlled changeable-copy sign is not considered a flashing sign unless it directly falls under the definition of "flashing" as defined in this Code.

- (1) Internal Illumination. Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols. Where white is part of a logo, it is permitted in the logo only, provided that such logo shall represent not more than fifty percent (50%) of the total sign area permitted.
- (2) External Indirect Illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Monument signs may have ground mounted lighting when said lighting is in compliance with this Section. Light bulbs or light tubes, excluding neon, used for illuminating a sign shall not be visible from adjacent public rights-of-way or residential properties.
- (3) A sign lighted by incandescent light shall be installed to protect the driver of a vehicle from dangerous glare and to maintain visual clearance of all official traffic signs, signals and devices.
- (4) Neon.
 - a. Exposed neon tube illumination is permitted on permanent signs in non-residential sign categories only.
 - b. Neon illumination utilized as a sign copy projection, border, frame, or other embellishment of sign copy, or other features consistent with the definition of "Sign" in this Code, shall not be included in the total square footage of the sign, provided the measured area of any such projection or detailed embellishment does not exceed twelve (12) square feet in area. Where such augmentations do exceed twelve (12) square feet in area, such features shall be included and counted against the permitted sign area for the use.
- (5) All electronic message signs must meet the following illumination standards:
 - a. No sign shall be brighter than is necessary for clear and adequate visibility.
 - b. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
 - c. No sign shall be of such intensity or brilliance that it interferes with the effectiveness of an official traffic-control sign, device or signal.
 - d. All signs must be equipped with a mechanism that automatically adjusts the brightness of the display in response to ambient conditions, such that the display is automatically dimmed as ambient light levels decrease.
 - e. The illumination of a sign at full brightness shall not exceed 0.3 footcandles above the footcandle level with the sign turned off when both measurements are taken perpendicular to the sign at a distance determined by the following formula: measurement distance = square root of area of sign in square feet x 100.
 - f. All signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if the sign malfunctions.

C. Construction and Maintenance. All signs shall be constructed and maintained in accordance to the following standards:

(1) Construction.

- a. All signs shall comply with the applicable provisions of the adopted versions of the International Building Code and International Electrical Code.
- b. Any sign as defined in this Code, shall be designed and constructed to withstand wind pressures and receive dead loads as required in the building code adopted by the City of Leander. Any sign, other than a wall sign, shall be designed, installed, and maintained so that it will withstand a horizontal pressure of thirty (30) pounds per square foot of exposed surface.

(2) Maintenance. All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Code, at all times.

- a. The Building Official shall have the authority to order the painting, repair, or removal of a sign and accompanying landscaping which constitutes a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment.
- b. If the Building Official finds that any sign is maintained in violation of the provisions of this Code, he/she shall give written notice of the violation to the owner or person entitled to possession of the sign or the owners of the property where the sign is located by certified and regular mail, or by personal delivery. If the City is unable to contact the owner by mail or personal delivery, the requirements of written notice shall be fulfilled by publishing notice in the newspaper.
- c. If the person fails to alter or remove the sign so as to comply with this Code within thirty (30) days after notice has been given, the Building Official may cause the sign to be altered or removed at the expense of the owner or person entitled to possession of the property or sign, or to the owner's of the property, and shall, upon the determination of the expenses, certify them to the City.
- d. If appealed, this decision shall be subject to review by the Board of Adjustment/Appeal in accordance with the provisions herein. Notification shall be by certified mail. If within fifteen (15) days, the maintenance orders are not complied with, the Building Official may order the sign removed at the owner's expense under the provisions of this ordinance.
- e. The Building Official shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for the alteration or removal of the sign, and if that person fails within thirty (30) days after the date of notification to pay the entire costs and expenses of the repair, alteration or removal, then the costs and expenses shall become a lien against the property.

SECTION 3.08.012. PERMITTED SIGNS.

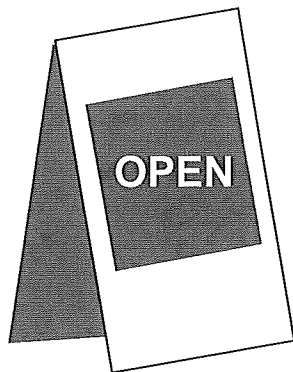
The following sign types are permissible upon issuance of a sign permit, unless exempted in Section 3.08.009, subject to the following conditions and specification listed in this section of this Code. Signs that do not comply with the following conditions and the specifications are considered prohibited, including exempted signs. Table 1 identifies the permitted signs by type and Land Use Category.

A. Temporary Signs**(1) Banner Signs.**

- a. Maximum sign area is forty-eight (48) square feet.
- b. Maximum height is four (4) feet.
- c. Location is restricted to a setback of ten (10) feet from property line adjacent street right-of-way.
- d. Time restriction per sign is two (2) weeks four (4) times per calendar year. The periods may be combined. Each tenant space or building located on a single lot or in a complex shall be allowed an individual banner as regulated per this Code.
- e. Spacing of signs shall be a minimum of eighty (80) feet between banners.
- f. Banner Signs are permitted to extend over public right-of-way on U.S. Highway 183 only. A copy PEC's approval shall be submitted with the permit application.

(2) "A" and "T" Frame Signs,

- a. The maximum sign area is twelve (12) square feet.
- b. The maximum height is four (4) feet.
- c. Location is restricted:
 - (i) Signs shall be placed on the property where the business is located.
 - (ii) Sign shall not be located in a manner to impede pedestrian movement. An unobstructed pedestrian clearance of at least four (4) feet in width shall be provided adjacent to the sign.
 - (iii) Shall not be located in required parking spaces.
 - (iv) Shall be placed no closer than twenty (20) feet from other "A" or "T" signs.
- d. Time restriction per sign is limited to during to business hours only.
- e. Quantity is restricted. One (1) per business or tenant on the property.



- (3) Future Development Signs,
 - a. Maximum sign area:
 - (i) Freestanding – forty (40) square feet
 - (ii) Wall signs – ten (10) percent of building or lease space façade it is attached to.
 - b. The maximum height is per Road Type and shall comply with the heights associated with Freestanding – Monument signs as listed in Section 3.08.012 (B)(5).
 - c. Location is restricted to be located on the property where activity is to occur.
 - d. Quantity is restricted:
 - (i) One (1) freestanding sign per street frontage.
 - (ii) One (1) wall sign per single tenant building or per tenant space.
 - e. Time restriction per sign is limited to display no earlier than thirty (30) days before the commencement of the activity and shall be removed no later than thirty (30) days after the activity is completed, or the installation of a permanent sign, whichever occurs first.
- (4) Vending Machine Signs,
 - a. Maximum sign area is restricted to the surface area of the vending machine or gasoline pump.
 - b. One four (4) square foot sign per machine or pump may project a maximum of two (2) feet above the top of said machine or pump.
- (5) Stake Signs – All Stake signs are subjected to the following area and height restrictions unless otherwise specified:
 - a. Maximum sign area is six (6) square feet.
 - b. Maximum height is three (3) feet.
 - c. Multi Family Complex:
 - (i) Location restricted – signs shall not be placed closer than sixty (60) feet from one another and a minimum of thirty (30) feet from a side property line.
 - (ii) Time restricted – signs may be placed between the right-of-way and the front of the building(s) no earlier than Friday noon (12:00 P.M.) and removed by Sunday at 6:00 p.m.
 - d. Civic:
 - (i) Time restricted – signs shall be erected no more than seven (7) days prior to the meeting or event and removed no more than forty-eight (48) hours after the meeting or event.
 - e. Garage Sale:
 - (i) Time restricted – signs shall only be posted Thursday, Friday, Saturday and Sunday. All signs shall be removed by midnight of the last days of the sale or Sunday, whichever comes first. Signs removed by the City will be subject to a fine of fifty dollars (\$50) for up to five (5) signs removed, with ten dollars (\$10) for each additional sign removed due and payable by the property owner on which the sale occurred.
 - (ii) Location restricted – signs shall be located on private property. Signs located on private property away from the sale site shall have permission from property owner.
 - f. Contractor Signs.
 - (i) Maximum Sign Area shall not exceed a maximum of four (4) square feet.

- (ii) Maximum height is two (2) feet.
- (iii) Location is restricted: Contractor signs shall not be placed in the public right-of-way and shall not be located within any sight triangle.

(6) Government Signs:

- a. Maximum area and height – no restrictions.

(7) Open House:

- a. Time restricted – shall be erected no earlier than one (1) hour prior to the time of the open house and shall be removed no later than one (1) hour after the time of the open house.

(8) Residential Real Estate Signs:

- a. Quantity – Maximum of one (1) sign per street frontage.

(9) Model Home Signs:

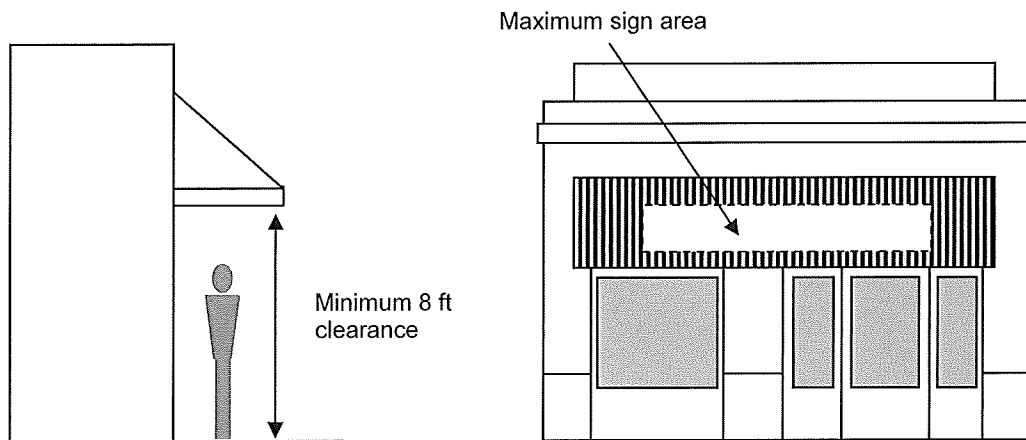
- a. Maximum sign area is thirty-two (32) square feet.
- b. Maximum height is eight (8) feet.
- c. Location restricted – shall be placed in front of a cluster of one or more model homes per builder.
- d. Quantity restricted – One (1) sign per cluster of model homes per builder.
- e. A nameplate sign that identifies the individual product name is exempt if it does not exceed three (3) square feet nor three (3) feet in height.
- f. Time restricted – All model home signage shall be removed from the premises upon sale of the last model in the cluster.

B. Permanent Signs

(1) Awning and Canopy Signs

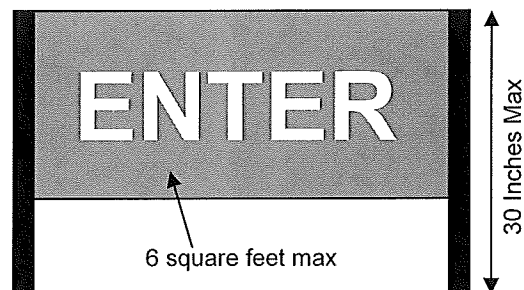
Building Criteria	Signs shall be integrated into the awning/canopy unless the awning/canopy is made of a rigid material, in which case the sign may be mounted onto it.					
Number, Amount of Building Signage/Items of Information	This type of sign shall only be permitted if total sign display area of all building signs does not exceed the square footage allowance for wall signs. The maximum square feet of sign display area for awning/canopy signs applies to total amount of information on all awnings/canopies combined.					
Sign Size By Road Type per Occupant Frontage (Amount allowed shall be whichever measurement is less)		Toll Road	Arterial Road	Collector / Local Road	Not Facing a Public ROW	Adjacent to Single Family or Two Family Zoned Property
	Maximum square feet of sign display area	30	25	20	20	0

	for all combined					
Placement (on building)	Signs attached to the top of a rigid awning/canopy shall not project above the wall or parapet. Eight feet of clearance shall be required underneath any sign.					
Materials & Design	Sign applied to a flexible surface such as fabric shall be integrated into the fabric. Signs attached to a rigid awning/canopy shall be made of painted or enameled metal or painted or sealed wood.					
Lighting	No illumination shall be permitted except by lighting attached to a building or integrated into a rigid awning/canopy.					
Electronic Messaging Center (EMC)	Not permitted.					



(2) Directional

- Maximum sign area is six (6) square feet.
- Maximum height is thirty (30) inches.
- Location restricted – shall be located internally of the project site a minimum of seventy-five feet from all public right-of-way.
- Style of signs shall be consistent with building materials and architecture of building within the project site.



(3) Flags:

- a. The maximum area is sixty (60) square feet.
- b. The maximum height of a flagpole or other supporting structure in a residential area shall not exceed twenty (20) feet. The maximum height in all other areas shall not exceed the maximum allowed building height within the respective zoning district.
- c. Quantity – A maximum of three (3) flags per project site.

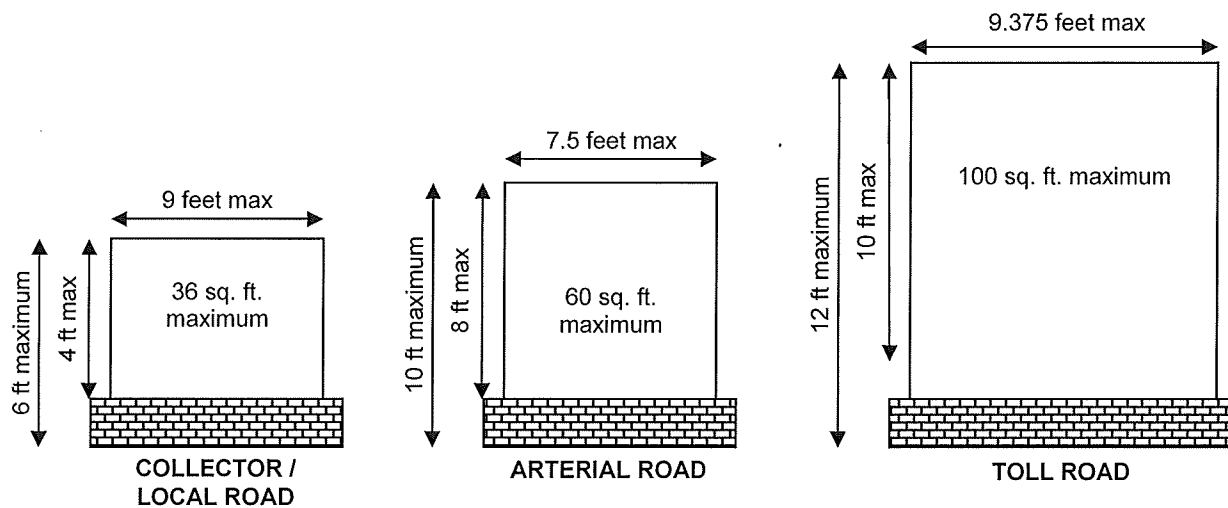
(4) Information

- a. Maximum sign area is twelve (12) square feet.
- b. Maximum height is five (5) feet.
- c. Location is restricted:
 - (i) At a public building or church such sign shall be located at or near the entrance.
 - (ii) For a neighborhood, such sign shall be located within the subdivision at a commonly traveled location, for example, near the neighborhood park or amenity center, the main mail station, or the main entrance to the neighborhood. Such sign shall be located on property maintained by the neighborhood/homeowners association or with a written agreement between the property owner and the association. Such sign shall not be placed closer than one hundred fifty (150) feet from the intersection of a collector street and an arterial street, as defined in the Leander Transportation Plan.
- d. Quantity restricted – A maximum of one (1) information sign shall be allowed for each neighborhood group, church, or public development complex. An information sign shall not be considered a pylon sign in this Code.

- (5) Freestanding – Monument. Freestanding identification of a single business or plaza is permitted by a monument sign.

Site Criteria	Every lot is entitled to a monument sign. A spacing of one hundred fifty feet shall be maintained between all monument signs. Additional monument signs shall be allowed for multi-tenant developments. These monuments may be permitted as long as they meet the minimum spacing requirements and that tenant only has signage on one monument per roadway.			
Sign Size by Road Type	One per road frontage. Freestanding signs shall be placed a minimum of five feet from any side property line. When more than one freestanding sign is allowed, a tenant's sign in the center shall be allowed on only one of the multi-tenant center signs.			
Sign Size By Road Type or Special Area		Toll Road	Arterial Road	Collector / Local Road
	Maximum square feet of sign display area	100	60	36
	Maximum Height	12'	10'	6'
Sign Structure Requirements - Bases, Caps, Proportion, etc.	No less than 75% of the width of the sign shall be in contact with the ground. For all signs between six and ten feet in height, a two-foot high stone, stucco or brick base shall be required			
Sign Display Area	<p>Items of information shall be surrounded by a margin of 10% of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Freestanding cabinet signs shall have a surround around the cabinet, and the cabinet shall be flush with or inset from sign surround.</p> <p>Street address shall be included on sign. The address shall not be calculated towards the sign area unless the street address is also the name of the center, business or development, or in such case that the street address exceeds six (6) square feet.</p> <p>For multi-tenant developments, the development name, if included as an integral part of the monument structure (i.e. not a separate panel), will not count towards the maximum sign face area as long as the area of the development name does not exceed 20% of the allowable maximum sign face area.</p> <p>For signs with multiple sign panels, the background color for all sign panels on the sign shall be consistent.</p>			

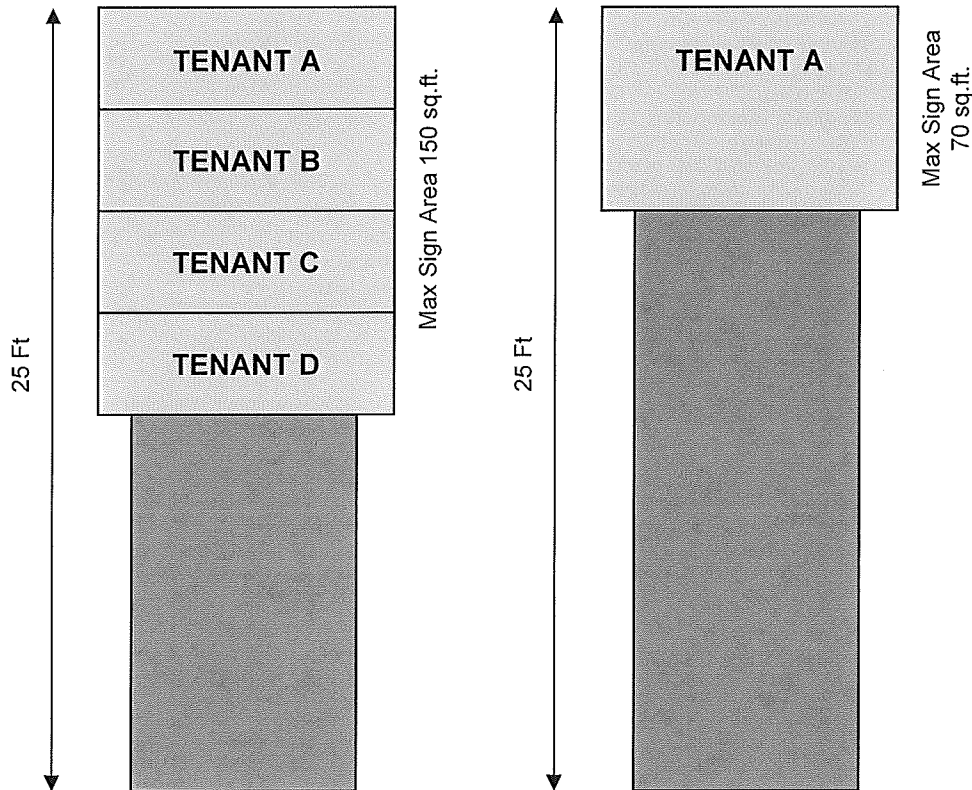
Sign Structure Materials	Monument signs shall be constructed of stone, brick or other masonry maintenance free material. The design and construction of both monument and signs shall be compatible with the architecture and style of the development on the project site. The base of the sign shall be protected by a landscape area to be maintained in a healthy condition.
Lighting	Internal illumination shall be permitted. External illumination and illumination by halation are permitted.
Electronic Messaging Center (EMC)	EMCs shall display text only for up to 1/3 pr thirty-two (32) square feet of the sign display area, whichever is less.



(6) Pylon Signs.

Site Criteria	Pylon signs are only permitted for multi-tenant development with a least 200 feet of frontage on a Toll Road.			
Sign Size by Road Type	One per site in lieu of another allowable freestanding sign unless otherwise approved as part of a Master Sign Plan. Freestanding signs shall be a minimum of five feet from any side property line.			
Sign Size By Road Type or Special Area		Toll Road	Arterial Road	Collector / Local Road
	Maximum square feet of sign display area for single tenant sign	70	0	0
	Maximum square feet of sign display area for multi- tenant sign	150	0	0

	Maximum Height	25'	0	0
Sign Structure Requirements - Bases, Caps, Proportion, etc.	Two poles with a surround shall be required for the base of pylon signs. The spacing of the poles shall be no less than 75% of the width of the sign structure. The base of the pylon sign shall be constructed of stone, brick or other masonry maintenance free material. The design and construction of both the base and the signs shall be compatible with the architecture and style of the development on the project site.			
Sign Display Area	<p>Items of information shall be surrounded by a margin of ten percent of the smaller dimension of the sign display area of any panel contained in a freestanding sign. Cabinet signs shall be flush with or inset from sign surround.</p> <p>Street address shall be included on sign. The address shall not be calculated towards the sign area unless the street address is also the name of the center, business or development, or in such case that the street address exceeds six (6) square feet.</p> <p>For multi-tenant developments, the development name, if included as an integral part of the monument structure (i.e. not a separate panel), will not count towards the maximum sign face area as long as the area of the development name does not exceed 20% of the allowable maximum sign face area.</p> <p>For signs with multiple sign panels, the background color for all sign panels on the sign shall be consistent.</p>			
Sign Structure Materials	Stone, brick, cast stone, stucco, and/or a combination thereof. Cabinet signs shall be flush with or inset from sign surround.			
Lighting	External illumination, internal illumination, and illumination by halation shall be permitted. All internal lighting shall have concealed conduits. All external lighting sources shall be shielded from adjacent properties and rights-of-way.			
Electronic Messaging Center (EMC)	Not Permitted.			



(7) Subdivision Development Entrance Sign.

- a. A *Subdivision Development Entrance Sign* is a sign authorized for each major project entry into a legal recorded, multi-lot, multi-sectioned, master-planned subdivision, and contains only the name of the subdivision with no other information. There are three types of subdivision development entrance signs, (1) primary, (2) secondary, and (3) tertiary.
 - (i) General specifications for all Subdivision Development Entrance Signs.
All Subdivision Development Entrance Signs shall comply with the following specifications:
 1. Must be a monument sign constructed of stone, brick or other maintenance free material.
 2. The design and construction must be compatible with surrounding development.
 3. Signage may appear on both sides of the entrance roadway within the recorded or master-planned subdivision. The maximum allowable sign face size limitations will apply separately to each side of the street.
 4. Lighting shall be ground lights or lights attached to the top of the sign focused downward directly on the sign.
- b. *Primary Subdivision Entrance Signage* is located at the primary entrance into the subdivision. Primary entrance signage is permitted at only one entrance for each subdivision, except that a second location for primary subdivision entrance signage shall be permitted if two entrances to the subdivision are located on two different arterial roadway intersections, as designated in the

Leander Transportation Plan, or subdivision boundaries. In such case primary entrance signage may be placed at each of the arterial roadway entrances in accordance with this ordinance.

- (i) The maximum area of signage is thirty-two (32) square feet for subdivisions containing one hundred (100) lots or less. For every one hundred (100) lots in the subdivision in addition to the first one hundred, the size can increase an additional ten (10) square feet to a maximum size of sixty-four (64) square feet of total sign face area. If the sign face is incorporated into landscape features, a wall, or architectural feature, the size of the sign face is determined by the area of the smallest rectangle within which the face of the sign can be enclosed.
- (ii) The maximum height of signage shall be eight feet (8') including any berms, architectural or landscape features.
- (iii) A subdivision primary entrance sign must be located within the subdivision or at an off premise location adjacent to an arterial roadway within one hundred fifty (150) feet of the primary entrance to the subdivision. It shall not restrict visibility at intersections. The city may enter into a license agreement to permit a subdivision identification sign to be located on public right-of-way. The license agreement shall be in a form acceptable to the City.
- (iv) When signage is incorporated into a wall, landscape or architectural feature, in addition to the allowed signage on both sides of a street as defined in 5.a.i.3 above, a third location may be permitted within a landscaped median of the subdivision entrance street in accordance to a license agreement specified in 5.b.iii above. The maximum square footage of primary subdivision entrance signage allowed may be distributed between the three (3) signs, so that no one sign exceeds the maximum sign area allowed.

c. *Secondary Entrance Signs* are located at entrances into the subdivision other than at the primary entrance. They are to be placed at an on-premise location within the subdivision and the sign face shall be a maximum of sixteen (16) square feet in size.

d. *Tertiary Entrance Signs* are located at the entryway into sections within the subdivision and are permitted only in subdivisions that exceed fifty (50) acres. They are to be placed at an on-premise location within the subdivision. They are used to identify various sections of the subdivision in order to enhance direction within the subdivision. These tertiary signs shall be comprised entirely of stone or masonry, with engraved lettering set within the stone. They shall be monument signs only and shall be limited to a total monument size of twelve (12) square feet. The developer shall represent in writing to the City its plan for perpetual maintenance of such signs by the homeowner's association or similar entity before a permit will be issued for such signs.

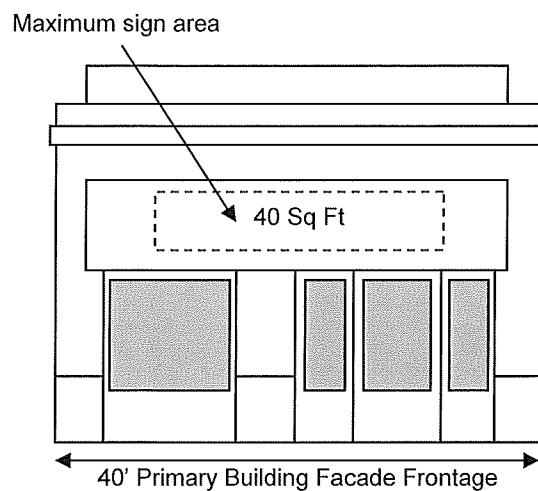
(8) *Traffic Control.*

- a. Maximum sign area is four (4) square feet.

(9) Wall.

Building Criteria	Building shall have a plane that can accommodate the placement of a sign.					
Number, Amount of Building Signage/Items of Information	Regardless of the length of primary building facade frontage, the owner/occupant is entitled to a sign of at least 20 square feet.					
Sign Size By Road Type per Occupant Primary Building Facade Frontage (Amount allowed shall be whichever measurement is less)		Toll Road	Arterial Road	Collector / Local Road	Not Facing a Public ROW	Adjacent to Single Family or Two Family Zoned Property
	Maximum square feet of sign display area	300	200	75	none	0
	Square feet of sign display area per one linear foot of occupant primary building facade frontage	2.5	2.0	1.5	1.0	0
Placement (on building)	A distance of no less than ten percent of the smallest dimension of the sign display area of a wall sign shall be provided around the entire sign display area and from any architectural features. The maximum height of the sign shall not project above the roof line, or top edge of parapet wall or mansard roof. Projection restricted – signs that project three (3) inches or more from the wall shall maintain a minimum clearance of nine (9) feet from the ground.					

Materials & Design	Internally lit tag lines and pan-faced signs shall be permitted as wall signs. All surfaces of a sign shall be finished. Signs shall be mounted to a building so that the attachment device shall not be visible or discernible. Wall signs shall be constructed of a rigid material. Wall signs exceeding sixteen (16) square feet of sign display area shall not be a single, flat surface.
Lighting	Internal illumination shall be permitted with the exception of in OS and DT special areas. External illumination and illumination by halation are permitted.
Electronic Messaging Center (EMC)	Not permitted.



- (ii) Window.
 - a. Maximum sign area is ten (10) percent of the window area. Signs exceeding ten (10) percent shall be calculated against the maximum wall sign area permitted.
 - b. Hours of business shall not exceed four (4) square feet.

SECTION 3.08.013. MASTER SIGN PLAN

A. Master Sign Plan.

- (1) Master sign plans are intended for master planned commercial and residential developments. The plans are intended to encourage consistency and architectural compatibility among multiple signs within a development.
- (2) Master sign plans allow flexibility in the allocation of sign area between sign types as approved by the Building Official. In order to be approved, a master sign plan applicant must demonstrate that the plan achieves higher standards of sign design, architectural compatibility and overall project aesthetics.
- (3) Master sign plans only apply to non-residential projects.
- (4) Application. The application shall include the following:
 - a. Proposed sign locations.
 - b. Materials
 - c. Type of illumination

- d. Design of free- standing sign structures
- e. Size
- f. Quantity
- g. Uniform standards for nonbusiness signage, including directional and informational
- (5) Compliance with Master Sign Plan. All applications for sign permits for signage within a multi-tenant occupancy shall comply with the master sign plan
- (6) Signs listed as prohibited signs in Section 3.08.010 are not permitted.

SECTION 3.08.014. PERMIT REQUIRED TO ERECT OR INSTALL A SIGN

- A. Permit Required. No sign, other than those exceptions listed in Section 9 or as identified in Table 1, shall be erected, constructed, placed, painted, attached, enlarged, moved, converted, altered (including face changes), or secured to the ground, any building, or any structure, until a permit for such sign has been issued by the Permits Division . An application for a sign permit may be obtained from the Permits Division. The Building Official shall approve or deny an application for a sign permit within thirty (30) days of the City's receipt of a complete application. A permit will be issued if a proposed sign conforms to all City ordinances. Upon request by the City, a diagram shall be provided showing the location of all signs on the property and/or adjacent properties. Incorrect information shall be grounds for revocation of a permit.
- B. To Whom Issued. No permit for the erection of any sign shall be issued to any person other than the property owner or his/her designated representative. In the case of a special event or permitted vendor, the permit shall be issued to the individual authorized by the City for said activity.
- C. Fees. The fee for sign permits shall be as established in the City's current Fee Schedule. The fee for a sign permit for a sign that was constructed without a permit shall be twice the cost of a standard permit fee. Non-profit/charitable organizations are exempt from paying permit fees.
- D. Interpretation and Administration. The Building Official shall be responsible for interpreting and administering this Code.

SECTION 3.08.015. APPLICATION FOR PERMIT.

- A. An application for a sign permit must be accompanied by the permit fee and shall include such information as is necessary to assure compliance with all appropriate laws and regulations of the City of Leander, including:
 - (1) The name and address of the owner of the sign.
 - (2) The name and address of the owner or the person in possession of the premises where the sign is located or to be located.
 - (3) Clear and legible drawings with description definitely showing location of the sign which is the subject of the permit and all existing signs whose construction requires permits, when such signs are on the same premises.
 - (4) Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring, and components, materials of the sign and method of attachment and character of structure members to which attachment is to be made. The design, quality, materials and loading shall conform to the

requirements of the building code. If required by the City Building Official or his/her designee, engineering data certified by a licensed structural engineer shall be supplied on submitted plans.

- (5) Approval of property owner is required for all tenant spaces.
- B. Fees for sign permits shall be as specified in the City's current Fee Schedule and calculations of the square footage shall include decorative trim and borders, but exclude supports, except when otherwise specified in this section.
- C. Expiration of sign permits:
 - (1) A sign permit shall expire and become void unless a request for final inspection of the sign is made no later than one hundred eighty (180) days after the date the permit is issued.
 - (2) A single 90-day extension of the permit may be requested before the expiration of the permit. Final inspection must be requested before the end of the extension period or the permit becomes void.

SECTION 3.08.016. NONCONFORMING SIGNS.

A nonconforming sign shall be allowed to be continued and maintained at its existing location subject to the following conditions:

- A. The face of the sign may be changed, but no change or alteration shall be made that would increase the degree of non-conformity.
- B. A non-conforming sign shall be removed immediately if any of the following applies:
 - (1) A non-conforming sign has been abandoned;
 - (2) A non-conforming sign and/or its defined use has been discontinued for a period of ninety (90) days;
 - (3) The Building Official or his/her designee determines the sign to be obsolete or substandard under any applicable ordinances of the City of Leander to the extent that the sign becomes a hazard or dangerous.
- C. A nonconforming sign may not be reconstructed, repaired, or replaced, and shall be removed, if the sign, or a substantial part of it, is destroyed or dismantled for any purpose other than maintenance operations or for changing the letters, symbols, or other matter on the sign. Reconstruction, repair, or replacement of a nonconforming sign shall be completed no later than 90 days following the date of the damage. For purposes of this subsection, a sign, or a substantial part of a sign, is considered destroyed if the cost of repairing the sign is more than 60% of the cost of installing a new sign of the same type at the same location.
- D. For those signs that are nonconforming signs due to the amendment of this Article by Ordinance Number 14-045-00, a Permit for Nonconforming Sign shall be required for all lawful non-conforming signs created by adoption of Ordinance Number 14-045-00. Application for such Permit for Nonconforming Sign for a nonconforming sign shall be filed with the City Building Official by the owner or lessee of the sign within six (6) months of the effective date of Ordinance Number 14-045-00. It shall be the duty of the City Building Official to issue a Permit for Nonconforming Sign for a lawful nonconforming sign, and the refusal of the City Building Official to issue a Permit for Nonconforming Sign for such nonconforming sign shall be evidence that said

nonconforming sign was either illegal or did not lawfully exist at the effective date of Ordinance Number 14-045-00.

SECTION 3.08.017. HAZARDOUS SIGNS.

- A. Except as otherwise provided by law or this chapter, no person may install, maintain, or use a sign that:
- (1) Obstructs a fire escape, required exit, window, or door used as a means of escape.
 - (2) Interferes with a ventilation opening, except that a sign may cover a transom window if otherwise in compliance with the International Building and Fire Codes.
 - (3) Substantially obstructs the lighting of public right-of-way or other public property, or interferes with a public utility or traffic control device;
 - (4) Contains or utilizes a supporting device placed on public right-of-way or other public area within the city limits and the extraterritorial jurisdiction of the City, unless the use of the public right-of-way or other public area has been approved by the City and a right-of-way joint use agreement has been filed.
 - (5) Is illuminated in such a way as to create a hazard to pedestrian, bicycle, or vehicular traffic;
 - (6) Creates a traffic hazard for pedestrians, bicyclists, or motorists, by restricting visibility at a curb cut or adjoining public street.
 - (7) Has less than nine (9) feet of clearance above street pavement grade and/or is located outside public right-of-way and within the sight triangle at an intersection that results in impaired sight distance of users of the intersection.
 - (8) Violates a requirement of the Electrical Code;
 - (9) Is determined by the Building Official to be dangerous.
- B. Notice that removal of a hazardous sign is required shall be given by the Building Official, and shall be removed immediately.
- (1) If after such time the sign is not removed, the Building Official may enter the premises and abate the hazardous condition. The reasonable cost of abating the hazardous sign, together with interest on the unpaid balance at the interest rate of 10%, shall be taxed as a lien against the record owner of the property on which the sign is located. A sign removed under this provision shall be held for a period of no less than sixty (60) days after its removal before disposal of the removed sign. If during this period the owner of the sign pays the storage fee, the Building Official shall return the sign to its owner. This provision is not exclusive and in no way restricts or modifies any method authorized by law to seize evidence of a crime.

SECTION 3.08.018. NOTIFICATION.

Notification of violations to this section shall be consistent with the Texas Government Code.

SECTION 3.08.019. VARIANCES.

- A. A variance to the provisions of this Code shall be considered an exception to the regulations, rather than a right. Whenever a sign to be erected is of such unusual size, shape or nature, and that the strict application of the requirements contained in this Code would result in substantial hardship or inequity, the Board of Adjustment/Appeal may vary or modify, except as otherwise indicated, such requirements as provided for herein, but not of procedure or administration, so that

the developer may erect a sign in a reasonable manner, but so that, at the same time, the public welfare and interests of the City are protected and the general intent and spirit of this Code are preserved in accordance with the following provisions:

- (1) Jurisdiction. When a written request for a variance from the design requirements of this Ordinance is filed:
 - a. The Board of Adjustment/Appeal may approve such written request for variances to the design standards and such variance(s), if granted, shall also be considered to be a modification of the sign regulations, applicable to the specified property within such development within the City limits; or
 - b. After conducting a public hearing of such requested variances, the Board of Adjustment/Appeal may consider each such variance request during the course and process of considering the application for Sign Permit approval given or granted.
 - c. Approval. In granting approval of a request for variance, the Board of Adjustment/Appeal shall conclude that the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of this Code would result in unnecessary hardship, and so that the variance observes the spirit of this Ordinance and concludes that substantial justice is done. The Board of Adjustment/Appeal shall meet these requirements by making findings that:
 - d. The public convenience and welfare will be substantially served;
 - e. The appropriate use of surroundings property will not be substantially or permanently impaired or diminished;
 - f. The applicant has not created the hardship from which relief is sought;
 - g. The variance will not confer upon the applicant a special right or privilege not commonly shared or available to the owners of similar and surroundings property;
 - h. The hardship from which relief is sought is not solely of an economic nature;
 - i. The variance is not contrary to the public interest;
 - j. Due to special conditions, the literal enforcement of this Code would result in an unnecessary hardship; and
 - k. In granting the variance, the spirit of this Code is observed and substantial justice is done.

SECTION 3.08.020. AMENDMENTS.

The Council may, from time to time, adopt, amend and make public rules and regulations for the administration of this Code. This Code may be enlarged or amended by the Council after public hearing, due notice of which shall be given as required by law.

SECTION 3.08.021. ENFORCEMENT.

- A. Penalty. Any person who shall violate any of the provisions of this Code, or shall fail to comply therewith, or with any of the requirements thereof, within the City limits

shall be deemed guilty of an offense and shall be liable for a fine not to exceed the sum of two thousand dollars (\$2000.00). Each day the violation exists shall constitute a separate offense. Such penalty shall be in addition to all the other remedies, provided herein.

- B. Administrative Action. The City and/or the City Administrator shall enforce this Code by appropriate administrative action, including but not limited to the rejection of plans, maps, plats and specifications not found to be in compliance with this Code and good engineering practices, and the issuance of stop work orders.
- C. Court Proceedings. Upon the request of the City Council the City Attorney or other authorized attorney shall file an action in the district courts to enjoin the violation or threatened violation of this Code, or to obtain declaratory judgement, and to seek and recover court costs and attorney fees, and/or recover damages in an amount sufficient for the City to undertake any construction or other activity necessary to bring about compliance with a requirement regarding the property and established pursuant to this Code.

SECTION 3.08.022. SEVERABILITY.

If any provision of this ordinance or the application of any provision to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the code which can be given effect without the invalid provision or application, and to this end the provisions of this code are declared to be severable.

SECTION 3.08.023. CODE OF ORDINANCES.

It is the intention of the Council that this Ordinance shall become a part of the Code of Ordinances of the City of Leander, Texas, and may be renumbered and codified therein accordingly.

SECTION 3.08.024. OPEN MEETINGS.

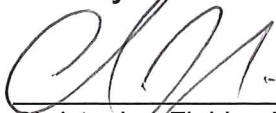
It is hereby officially found and determined that the meeting at which this ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act.

SECTION 3.08.025. EFFECTIVE DATE.

This Ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the *Texas Local Government Code*, and it is accordingly so ordained.

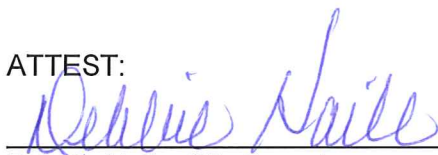
PASSED AND APPROVED this the 2nd day of October, 2014.

The City of Leander, Texas



Christopher Fielder, Mayor

ATTEST:



Debbie Haile, City Secretary

TABLE 1: PERMITTED SIGNS

Sign Type	Land Use Category/Roadway Type					
	Single Family Residential	Multifamily Residential	Non-Residential			Transit Oriented Development Subject to Smart Code
			Collector Local	Arterial	Toll	
Temporary Signs						
Bandit						SC
Banner		P	P	P	P	SC
Inflatable						SC
A' & 'T' Style			P	P	P	SC
Future Development	P	P	P	P	P	SC
Human						SC
Vending		C	C	C	C	SC
Stake Signs						
Multi-Family		P				SC
Civic	C	C	C	C	C	SC
Garage	C	C	C	C	C	SC
Government	C	C	C	C	C	SC
Improvement	C	C	C	C	C	SC
Open House	C	C	C	C	C	SC
Real Estate	C	C	C	C	C	SC
Model Home	1	1	1	1	1	SC
Permanent Signs						
Awning		P	P	P	P	SC
Canopy		P	P	P	P	SC
Directional		P	P	P	P	SC
Flags	C	C	C	C	C	SC
Information	P	P	P	P	P	SC
Menu				C	C	SC
Freestanding - Monument	2	2	3	3	3	SC
Freestanding - Pylon					3	SC
Subdivision Identification	P	P	P	P	P	SC
Traffic Control	C	C	C	C	C	SC
Wall		P	P	P	P	SC
Window		C	C	C	C	SC

1 Permitted when single family use is a permitted use.

2 Monument project identification only.

3 Monument sign or pole sign.

	Not Permitted
P	Permit required
C	Compliance with Code required, no permit required
SC	See SmartCode